

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, February 03, 2021

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Amador, Ehardt, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash

**ABSENT/
EXCUSED:** Representative(s) Ehardt, Gannon

GUESTS: None.

Chairman Chaney called the meeting to order at 1:32 p.m.

Chairman Chaney presented Committee meeting minutes from January 15, 19, 25 for Committee approval.

MOTION: **Rep. Nash** made a motion to approve the minutes from January 15, January 19, January 25, 2021. **Motion carried by voice vote.**

Senior District Judge Barry Wood, Deputy Administrative Director, Administrative Office of the Courts, introduced the panel of Magistrate Judges who will be presenting to the Committee. He explained that judges can not respond to questions pertaining to pending cases, and they are prohibited from providing hypothetical rulings, or giving legal advise.

Magistrate Judge Megan Marshall with chambers in Latah County Second Judicial District spoke about the history of the Magistrate Judge Division within the Idaho Court System as this January marks fifty years since its creation. She expounded the historical development of the magistrate judge position all the way through to the current practices, including the minimum qualifications, the hiring process, performance expectations and the necessity to stand for public election every four years.

Magistrate Judge Paul Laggis with chambers in Power County Sixth Judicial District spoke about the work of a Magistrate Judge in Idaho. He described how the work of a magistrate judge is very special work overseeing a wide variety of complex cases and handling over 90% of the court cases that are filed in Idaho. Last year over 340,000 cases were filed in the Idaho Courts and the Magistrate Division heard more than 324,000 of those cases. A non exclusive list of types of cases a magistrate judge would hear include: divorce, child custody, adoption, child protection, name changes, guardianship/conservatorship, evictions, probates, civil protection orders, domestic violence protection orders, involuntary mental health commitments, small claims, weddings, family law cases, child custody and support, misdemeanors (DUI's, drug cases, involuntary manslaughter, battery/domestic violence, disturbing the peace), and mental health competency cases, search/blood draw warrants, preliminary hearings on felony cases, infractions, juvenile cases, civil cases. Additionally magistrate judges serve in specialized courts like drug and alcohol treatment court, veteran court, domestic violence court, and in smaller Counties they assist school boards with attendance issues. Following his presentation Judge Laggis responded to Committee questions about warrants and the Magistrate Judges Commissions.

Magistrate Judge Christopher Bieter with chambers in Ada County Fourth Judicial District spoke about the specialized cases of Guardianship and Conservatorship. He explained that generally a conservatorship is when someone is given the legal authority to manage the affairs of someone else who is unable to manage their personal affairs. For an adult this could be due to incapacitation or developmental disability, or in the case of guardianship a minor who cannot manage their own affairs. The numbers of cases filed in a given court district does not truly reflect a judges work load as the complexity involved in these types of cases are significant and the outcomes deeply effect people's lives. Twenty years ago, at the request of the State Legislature, a Standing Committee in the Idaho Supreme Court was formed to address legal issues connected to aging and to improve service to the citizens of Idaho in this area; this Committee has turned out to be very effective in helping Idaho honor the intent of the Guardianship/Conservatorship Statute.

Senior District Judge Barry Wood responded to questions regarding electronic warrant requests, the recruiting magistrate judges in rural communities, and the Magistrate Judges Commission.

Presenter **Eric Fredricksen** with the State Appellate Public Defender's Office (SAPD) explained that the SAPD Office was created for the purpose of reducing the County burden in the area of capital defense and direct appeal cases. He then gave an overview of the SAPD's responsibilities and reviewed the details of the budget. In response to a Committee question he explained that the purpose of the Capital Defense Fund is to help smaller counties afford the costs associated with any capital defense cases that may occur.

- RS 28289:** **Rep. Troy** presented **RS 28289** which amends Idaho Code to allow a designee from the State Board of Education or the State Department of Education to be selected to serve on the Data Oversight Council and provides for a vice chairman among the committee members, and corrects some technical errors. This Council is intended to improve statewide statistics by bringing data together from all areas of the system.
- MOTION:** **Rep. Amador** made a motion to introduce **RS 28289. Motion carried by voice vote.**
- RS 28349:** **Rep. Troy** presented **RS 28349** which amends Idaho Code concerning the District Magistrates Commissions to provide for vacancies and temporary members by better outlining the qualifications of committee members, and staggering term expirations among other things.
- MOTION:** **Rep. Kerby** made a motion to introduce **RS 28349. Motion carried by voice vote.**
- RS 28368:** **Rep. Troy** presented **RS 28368** which adds a new section of Idaho Code allowing temporary restricted driver's licenses to be court issued under certain circumstances.
- MOTION:** **Rep. Ruchti** made a motion to introduce **RS 28368. Motion carried by voice vote.**
- ADJOURN:** There being no further business to come before the Committee the meeting adjourned at 2:50 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary